

ANTHONY LEON SUMMERS §
VS. § CIVIL ACTION NO. 1:20cv66
BRYAN COLLIER, ET AL. §

Plaintiff Anthony Leon Summers, an inmate at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants. As plaintiff did not pay the required filing fee, he appears to be attempting to proceed with this matter on an *in forma pauperis* basis.

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints on an *in forma pauperis* basis. Section 1915(g) provides as follows:

Prior to the date on which he filed this lawsuit, at least three of plaintiff's prior lawsuits or appeals were dismissed as frivolous.¹ As a result, plaintiff may only proceed with this lawsuit on an *informa pauperis* basis if he was in imminent danger of serious physical harm on the day he filed this lawsuit.

¹ *Summers v. Unidentified Party*, No. 1:03cv459 (E.D. Tex. Mar. 8, 2004) (dismissed as frivolous); *Summers v. Gibson*, NO. 1:03cv1406 (E.D. Tex. Jan. 12, 2004) (dismissed as frivolous), *appeal dismissed as frivolous*, No. 04-40101 (5th Cir. Aug. 18, 2004); *Summers v. Goodwell*, No. 4:03cv55 (S.D. Tex. Sept. 24, 2003) (dismissed as frivolous); *Summers v. White*, No. 1:02cv707 (S.D. Tex. Dec. 19, 2002) (dismissed as frivolous).

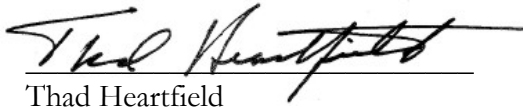
or conclusory allegations are insufficient to meet plaintiff's burden. *White v. Colorado*, 157 F.3d 1231-32 (10th Cir. 1998).

The allegations set forth in plaintiff's complaint do not demonstrate that he was in "imminent danger of serious physical injury" on the date he filed his lawsuit. Plaintiff's allegations show that he was injured by certain of the defendants. However, he does not assert he is subject to a continuing threat of further injury. His allegations, while serious, do not satisfy the burden imposed by Section 1915(g). As a result, plaintiff is barred from proceeding with this lawsuit on an *in forma pauperis* basis.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the 12 day of July, 2021.


Thad Heartfield
United States District Judge